

Message

From: Thiede, Kurt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CC09FAC5ACC4CE1BA689FB2CE70D459-THIEDE, KUR]
Sent: 3/13/2018 8:54:05 PM
To: Lotthammer, Shannon (MPCA) [shannon.lotthammer@state.mn.us]
Subject: Re: permit comments question (RE: Minnesota Speakers Office)

Hi Shannon, yes, I have received your correspondence and will plan to reach out yet this evening. I've been in back-to-back mtgs and have one more to go. Will you be available after 5?

Thanks, and I look forward to meeting you!

Best,
Kurt

Sent from my iPhone

On Mar 13, 2018, at 3:40 PM, Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us> wrote:

Hi Kurt –

I apologize for the multiple e-mails, but just wanted to add that I would appreciate knowing that you received this message and a head's up about EPA's intention, given that the public comment period closes this Friday. I just learned that our respective staffs have another conference call scheduled for Thursday morning. I don't typically attend those meetings (they are attended by Kevin and his involved staff and our mining permit manager Jeff Udd and his involved staff). If it would be helpful for us to talk before then, just let me know and I'll be sure to be available when you are.

Thanks again!
Shannon

From: Lotthammer, Shannon (MPCA)
Sent: Tuesday, March 13, 2018 2:06 PM
To: 'thiede.kurt@epa.gov' <thiede.kurt@epa.gov>
Subject: FW: Minnesota Speakers Office

Dear Kurt –

Thank you and Cathy for the opportunity to connect with you on this matter. By way of introduction, as John notes below I'm Assistant Commissioner for Water at MPCA, and prior to that I led a division here at MPCA that included both our water quality standards efforts and support for our permitting programs.

The agreement John references is the Memorandum of Agreement (MOA) that exists between MPCA and Region 5 EPA regarding the NPDES program delegation to MPCA. That agreement is attached. The question at issue is the timing of EPA written comments on draft/proposed NPDES permits.

As you'll note in the highlighted portions of page pp. 27-28 of the attached pdf (which are pages 10-11 of the actual MOA), the established process is for MPCA to place the draft permit on public notice, consider and respond to public comments and make any resulting changes that are necessary, and then

to submit the proposed permit to EPA for review and comment (which could include objection) prior to final issuance.

The concern we have expressed to Region 5 staff/mgrs is the *timing* of EPA comments, not the ability for EPA to comment. The draft permit that is the subject of this discussion is on public notice until March 16. We know that we will be making some changes to the draft permit in response to public comments, and also questions raised by EPA. We have asked that EPA Region 5 not send a written comment letter during the public comment period and instead follow the steps outlined in the MOA and wait until we have reviewed and responded to public comments and made associated changes before sending comments from EPA.

We have been meeting regularly with Region 5 permitting folks to identify and work through questions, and we would be happy to continue to do so as we review and respond to public comments and continue to refine the draft permit. I also understand that some EPA staff are concerned that the 15-day timeline laid out in the MOA for EPA review and comment/response/objection is not sufficient time given the complexity of this draft permit. We are certainly sympathetic to the need for adequate review time, and we'd be happy to talk about and memorialize via a letter or meeting a longer timeframe for EPA review prior to permit issuance.

Again, I wish to stress – as I have with Chris Korleski and Kevin Pierard – that the concern here is not about EPA's authority for review. We recognize and respect that authority. The question is about the timing of that review, and the importance of maintaining the approach laid out in the MOA for the sake of clarity and efficiency, among other goals.

I would be happy to talk with you more about this matter, or to provide any additional information that would be helpful. Thank you again for the opportunity to connect. The MPCA and Region 5 EPA have a strong working relationship, and I wish to do all I can to reinforce our partnership and continue to strive towards our shared goals of water quality protection and excellence in public service.

Kind regards,
Shannon

Shannon Lotthammer
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From: Stine, John (MPCA)
Sent: Monday, March 12, 2018 12:22 PM
To: Stepp, Cathy <stepp.cathy@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>
Cc: Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>
Subject: RE: Minnesota Speakers Office

Thanks for the phone conversation this morning, Cathy and Kurt. I am looping in Shannon Lotthammer who serves as MPCA Assistant Commissioner for Water. She will follow up directly with Kurt regarding the Region 5 – MPCA agreement I mentioned on our call.

John Linc Stine
Commissioner
MN Pollution Control Agency
651-757-2014 (office)
Twitter: @JLincStine

<image001.png>

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From: Stepp, Cathy [<mailto:stepp.cathy@epa.gov>]
Sent: Thursday, March 8, 2018 10:55 AM
To: Thiede, Kurt <thiede.kurt@epa.gov>
Cc: Korleski, Christopher <korleski.christopher@epa.gov>; Stine, John (MPCA) <john.stine@state.mn.us>
Subject: Re: Minnesota Speakers Office

Thanks Kurt. This captures the conversation. I've ccd this to John in MN as well.

Sent from my iPhone

On Mar 8, 2018, at 10:51 AM, Thiede, Kurt <thiede.kurt@epa.gov> wrote:

Cathy,

Just to recap yesterday afternoon's conversation with Speaker Kurt Doubt and Rep. Dan Fabian of the MN Legislature.

After a discussion of a bill that is being debated in the MN state legislature that would limit MPCAs ability to impose a numerical standard for Sulfides, the Speaker asked if you would support their action (legislation). You did not commit to supporting their legislation, but rather you responded that what you could do is respect the MN legislative process and would reach out to and work with John Linc Stein on the implementation of any policies or rules needed to implement their MPDES program. In addition, you noted your commitment to resolve the longstanding MPDES impasse.

Kurt A. Thiede
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